May 29, 2007

I. Call to Order/Roll Call/Opening Ceremonies

In the absence of Chairman Brian Major, Selectmen Ted Teichert, as Acting Chairman, called the Regular Meeting of the Board of Selectmen to order on Tuesday, May 29, 2007 at 7:02 p.m. Roll call was taken. Selectmen Mary Lyman, Jerry Stabile and Ted Teichert were present. Absent were Selectmen Alex Vispoli and Brian Major. Also present was Town Manager Buzz Stapczynski and Randall Hanson. The Chairman called for a moment of silence at which time Selectman Lyman asked that they remember Kay B. Frishman's mother, Ruth Berthold, who passed away this past weekend and who had worked in the Memorial Hall Library in the Circulation Department. The Pledge of Allegiance followed this. Recording Secretary Elizabeth A. Kochakian took the minutes. This meeting was duly posted and cablecast live.

II. Communications/Announcements/Liaison Reports

Town Manager Stapczynski:

- The Manager thanked the Selectmen for their participation in the Veterans' Day program and ceremonies. He said the new Veterans' Agent, Michael Burke, did a fine job and thanked him for that. Chairman Teichert agreed and said he had a passion for that position and was doing a great job.
- That they will have a need for a special Selectmen's meeting to accept a request by Collector Treasurer David Reilly for a \$4 million bond, temporary borrowing, for which the bid opening will be May 30th. It was the consensus to have this meeting on Monday, June 4 at 7:30 a.m. if there was a quorum.
- After discussion for the need to plan a joint meeting with the School Committee to talk about collective bargaining, it was the consensus to have the meeting on Tuesday, June 12, 2007, at 6:00 p.m.
- The Manger asked for assistance at Senior Safari to be held in the Field House between 10:00 p.m. and 5:00 a.m. on June 4-5, 2007. The High School graduation will be June 4 at the Tsongas arena in Lowell.
- Received word that Melmark School on River Road will be commemorating their relocation to Andover with an Open House on Thursday, June 28 from 7 to 9 p.m. He said the Board would be receiving invitations in their packages.

Selectman Jerry Stabile:

- Reported that he has set up meetings with all the Committees and Departments he is liaison to.
- The Town Yard Subcommittee will be meeting tomorrow at 7:30 a.m. in this room.

Selectman Mary Lyman:

- Announced that the TRIAD Committee is going to be organizing through the Boy Scouts to go through the Town, Precincts 1, 2 and 3, to check homes for well-posted numbers outside their homes. She reminded people this was an important thing so that Public Safety can find a house. If someone has difficulty in getting numbers, she said that Doyle Lumber is offering a discount to seniors and will provide assistance for those people having difficulty putting those numbers up. She thanked the Scouts and TRIAD for doing this. The program will be done the first two weeks in June and will be advertised in flyers distributed around Town.
- The Commission on Disabilities will be conducting a regional meeting tomorrow from noon until 3:00 p.m. Department Heads are welcomed to attend. She said this has been a terrific effort on

behalf of the Commission on Disabilities to organize a regional meeting to share what they know and to learn what others know to make their lives better.

II. Communications/Announcements/Liaison Reports (Cont.)

Selectman Ted Teichert:

• The School Building Task Force will be meeting tomorrow at 6:00 p.m. in this room.

III. Citizens Petitions and Presentations

None this evening

IV. Public Hearings – 7:15 P.M.

A. <u>Verizon New England, Inc.</u>

A public hearing was called to hear the request of Verizon New England, Inc. for permission to replace and maintain existing direct buried cable with new underground conduits and related equipment under the surface of the following public ways with approximate locations shown on the noted plan numbers:

Wyncrest Circle – Plan #400	Countryside Way – Plan #401
Peach Tree Path – Plan #401	Alderbrook Road – Plan #401
Lavender Hill Lane – Plan #403	Alderbrook Road – Plan #403
Rogers Brook West – Plan #407	Summer Street – Plan #407
Prospect Road – Plan #408	Buchan Road – Plan #408
Charlotte Drive – Plan #409 Bayberry Lane – Plan #413 Rogers Brook East – Plan #414 Sparta Way – Plan #415 Odyssey Way – Plan #415 Phoenix Place – Plan #416	Hammond Way – Plan #410 Woburn Street – Plan #413 Laconia Drive – Plan #415 Messina Drive – Plan #415 Gould Road – Plan #416 Dundas Avenue – Plan #417
Rattlesnake Hill Road – Plan #417 Rattlesnake Hill Road – Plan #418 Ballardvale Road – Plan #419 Blackberry Lane – Plan #420 Tilton Lane – Plan #421 Ballardvale Road – Plan #422 Millstone Circle – Plan #422	Dundas Avenue – Plan #417 Roulston Circle – Plan #418 Teaberry Lane – Plan #419 Alderbrook Road – Plan #419 Ballardvale Road – Plan #420 Ballardvale Road – Plan #421 Enfield Road – Plan #422 Windermere Drive – Plan #423
Robinswood Way – Plan #423	Cricket Circle – Plan #423
Lowell Street – Plan #423	Greenwood Road – Plan #424
Tiffany Lane – Plan #424	Rachel Road – Plan #425
Jenkins Road – Plan #425	Alison Way – Plan #425
Apple Blossom Road – Plan #426	Osgood Street – Plan #426
Wildwood Road – Plan #427	Brentwood Circle – Plan #427

IV. Public Hearings (Cont.)

A. Verizon New England, Inc. (Cont.)

The requests have been reviewed and approved by the Department of Public Works subject to the conditions that street opening and excavation permits be obtained from the DPW prior to the commencement of any construction, streets which have been recently paved will require that the directional drilling method be used to install the conduits and homeowners on each street must be notified prior to the construction.

Robert Grassia, Manager with Verizon New England, Inc., appeared before the Board to speak and answer questions related to the project. Mr. Grassia explained that Verizon is undertaking to upgrade the existing network to a fiber optic network. He said this was the last phase of the project itself. Underground conduits were not utilized in the above streets identified in Andover when first constructed in the 70's or 80's and cables were placed directly in an open trench. Now in order to upgrade so all residents on those streets have access to the network they want to, they have to place a flexible conduit they can draw through the cable. He then explained the process they go through which he had reviewed with Jack Petkus, Brian Moore, and Dave Dargie from the Department of Public Works. He said the White Mountain Cable Company would be doing the physical digging. The foreman from White Mountain, Robert O'Leary, was present at the meeting and addressed the Board. He said they have gone through this process in other communities and have established a good track record with all of them and are good at what they do. They pay strict attention to the property owner's concerns as well as the Town's. They are looking to work with the Town and have this project go as smooth as possible so the network will be completed as bid with Verizon and the Town. He said there are approximately 120 such streets in Andover that they have to go through the same process for the fiber optic upgrade. This is the first group of streets established to coincide with the paving program this year.

In answer to Selectman Teichert, Mr. Grassia said the first phrase would be completed by the end of the fall. In answer to how the people in these streets will be notified, Mr. O'Leary said would they notify the residents by a door tag process. The tag has an 800 number where residents can call with problems with sprinklers and all issues after construction. He said they restore everything back to the way it was before construction. Jack Petkus said the streets they have slated for paving are on the list of streets above. After they get their trenching done they will then repave the street. They are trying to take that extra step to coordinate the project. In answer to Selectman Stabile, Mr. Grassia said this is just for streets that have services underground. The rest of the project is complete. Town Clerk Hanson mentioned that Verizon does have the right to be in the easement but they agreed to go through this process and put the add in the newspaper anyway. She said she wanted to know if the Selectmen wanted her to handle future requests this way or for Verizon to just go directly and get the permits from Jack Petkus, which they are entitled to do as they move along. Chairman Teichert said they would wait for an update from the first project and recap how the first phase went. However, that they should be required to advertise the streets again in the newspaper in their next phase.

Mary Carbone asked where they are going to dig. Mr. O'Leary answered in the shoulder of the road at the edge of the pavement. Ms. Carbone said they may be getting a lot of calls on this because she felt people get upset when there is any digging especially if it damages their irrigation systems. Mr. O'Leary said they are very familiar with irrigation systems and they are responsible for any damage. All streets will be videotaped to assure what was there before the work was done and to assure it is put back in the same

condition. Ms. Hanson said residents would get two weeks notice.

IV. Public Hearings (Cont.)

A. Verizon New England, Inc. (Cont.)

At Selectman Lyman's request, Mr. Petkus explained how far back the sprinkler system should be placed from the Road. Mr. Petkus said he preferred sprinkler heads are on the people's own property, 8 to 10 feet back from the edge of the pavement and to spray toward the road.

The Manager said a lot of previous complaints when work like this is done have been covered in the conditions set by Mr. Petkus. Those complaints were around landscaping and driveway patching. Mr. O'Leary assured that if they have to cut they would make it a uniform patch by a professional paver. As to the hours of operation, Mr. O'Leary said they will not start the equipment until 7:30 to 8:00 a.m. and will not use equipment on weekends. He was asked to get that schedule on the web site.

Liz Kochakian asked what would happen to the wires that are already underground by other utilities, etc. and if they will they go through these conduits. Mr. O'Leary said before they put the conduits in they will go through Dig Safe so they know where existing lines are located to prevent damage to them. He said the conduit they are putting in is for Verizon only and not big enough for anyone else.

After all discussion, Mr. Grassis thanked the Board for having them in to explain the project. He also thanked all the people in Town that have helped him and especially Town Clerk Randy Hanson. The Manager said that Ms. Hanson has done a lot of work on this and thanked her for that also.

B. <u>Transfer of Restaurant All Alcoholic Beverage License</u>

A public hearing was held to hear the request of Pepper Dining, Inc., d/b/a Chili's Grill & Bar, One Richmond Square, Suite 350W, Providence, RI, to transfer a Restaurant All-Alcoholic Beverage license from Brinker Massachusetts Corporation, d/b/a Chili's Grill & Bar at 131 River Road, Andover. Michael Cronin will remain the designated manager on the license.

The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

Michael Cronin appeared before the Board on this request. He said he is currently working for Brinker Massachusetts, which will soon be Pepper Dining, Inc. He read stats from a fact sheet about Pepper Dining, Inc. When asked, Mr. Cronin said that all his managers are TIP certified except that he has lost two managers and they are going through the process of replacing them after which they also will be TIP trained in a class in June.

It was moved by Selectman Lyman that the Board recommend approval of the request to transfer the Restaurant All alcoholic Beverage license from Brinker Massachusetts Corporation to Pepper Dining, Inc. as described above. The motion was seconded by Selectman Stabile, voted and approved 3-0.

IV. Public Hearings (Cont.)

C. Revocation of Storage of Inflammable Licenses

A public hearing was held, as per Chapter 148 of the General Laws, to discuss the revocation of the following Storage of Inflammable licenses:

- 1. The license owned and controlled by Cormier-Andover, 60 Canterbury Street, Andover. The license holder currently maintains a total of 1,650 gallons of inflammable material at 4 Muirfield Circle, Andover.
- 2. The license owned and controlled by the Trustees of Phillips Academy, 180 Main Street, Andover. The license holder currently maintains 45,000 gallons of inflammable material at 4 Old Campus Road and 20,550 gallons of inflammable material at 30 Abbott Campus Road.

The revocation of both licenses have been reviewed and approved by the Town Clerk and the Fire Prevention Officer.

After discussion, it was moved by Selectman Lyman and seconded by Selectman Stabile that the Board approve the requests for Revocation of Storage of Inflammable Licenses for Cormier-Andover and Trustees of Phillips Academy as requested above. The motion was voted and passed 3-0.

V. Regular Business of the Board

A. <u>Discussion on Use of the Balance in the DPW Snow and Ice Account to Purchase Vehicles</u>

The Manager said it was discussed extensively before Town Meeting how to bring back dollars that were reduced from the budget. It was the suggestion of Department Heads to use the balance in the DPW Snow and Ice account to replace the \$135,000 that was reduced from the Capital Projects Fund, Warrant Article #5, to purchase for DPW, a sidewalk tractor and Highway Department truck. The Manager said they need to replace these vehicles and recommending it be done out of this year's dollars. Jack Petkus, Director of Public Works, was present to answer questions.

Mary Carbone, 3 Cyr Circle, said she didn't know if they should be doing things like this when they are facing a potential override. She asked what was more important, salaries or equipment. Mr. Petkus said that both were important but definitely time to replace these vehicles. Selectman Stabile asked if the useful life of these trucks have expired. Mr. Petkus said it has and invited him to come by and see for himself. Ms. Carbone said she would like to know how many vehicles the DPW has for a fleet. The Manager said that information was available in the CIP on page 33 as well as the replacement schedules for vehicles.

After all discussion, it was moved by Selectman Lyman that the Board approve the request to purchase a replacement sidewalk plow and truck with the balance in the DPW Snow and Ice account. The motion was seconded by Selectman Stabile, voted and approved 3-0.

V. Regular Business of the Board

B. <u>Establishment of Fees for Fire Hydrant Flow Testing</u>

A discussion was held on establishing a new fee to cover the actual out of pocket costs associated with conducting fire flow tests. The Board had a memo from Jack Petkus, Director of Public Works, recommending a \$500 charge. Also attached to the memo were two memorandums from Water Superintendent Morris Gray from a survey of surrounding towns and what they charged.

Mr. Petkus said these fire flow tests are required for any building that has a fire suppression system. It is only done at the beginning of the design review. On occasion companies will like to verify and have a test. Presently, his department does these tests on Saturdays during warm weather. There in house cost is \$486.47; the person requiring the test pays nothing. When asked, Mr. Petkus said they do an average of 6 a year. It is not a high-ticket area but something they need to address. In answer to Ms. Carbone, Mr. Petkus said the developer would pay the fee.

After all discussion, it was moved by Selectman Lyman that the Board approve a fee of \$500 for a fire flow test, each additional hour beyond the four hour minimum \$79; and additional hydrants \$92 each as proposed by the DPW. The motion was seconded by Selectman Stabile, voted and approved 3-0.

C. <u>Discussion on Increasing the CD&P Health Clinic Revolving Account for FY-2007 from</u> \$20,000 to \$30,000

The Board considered increasing the CD&P Health Clinic Revolving Account for FY-2007 from \$20,000 to \$30,000. The Manager said this is an account used extensively by the Health Department for various clinic testing they do and are presently running dangerously close to the \$20,000. This is money they take from a revolving account and the amount stated for the account is too low for this fiscal year and they are looking to increase it.

After all discussion, it was moved by Selectman Lyman that the Board raise the spending limit from \$20,000 to \$30,000 for the CD&P Health Clinic Revolving Account for FY-2007 as requested. The motion was seconded by Selectman Stabile, voted and approved 3-0.

VI. Approval of Consent Agenda Items

A. Appointments and Re-appointments

It was moved by Selectman Stabile that the following appointments by the Town Manager be approved:

DEPARTMENT	POSITION		RATE	EHFDATE			
PLANT & FACILITIES DEPARTMENT – Building Maintenance							
Michael R. Raymond	Jr. Custodian – 2 nd Shift (C. Carvalho)	W1	5/18/07				

VI. Approval of Consent Agenda Items (Cont.)

A. <u>Appointments and Re-appointments (Cont.)</u>

DEPARTMENT	POSITION		RATE	EHF.DATE		
PLANT & FACILITIES DEPARTMENT – Parks & Grounds Division						
Matthew R. Hogan	Laborer – Temp. – PT	\$12.00/hr.	5/30/07			
POLICE DEPARTMENT						
Delia Ruiz	Matron – PT	\$18.00/hr.	5/30/07			
TOWN CLERK						
Celia Rogers	Pollworker – PT	\$8.00/hr.	4/18/07			
Constantine Bassilakis	Pollworker – PT	\$8.00/hr.	4/26/07			

The motion was seconded by Selectman Lyman, voted and approved 3-0.

B. <u>Andover Days</u>

The Board considered granting permission to Don Robb, Coordinator of Andover Days 2007, to conduct *Andover Days: Race Into Summer* with a walk/run through the streets of Andover on Friday, June 22, 2007. The race, beginning and ending at the Doherty Middle School, will begin at 6:00 P.M. He is also requesting use of The Park that evening from 5:00 P.M. to 9:00 P.M. for a family picnic, entertainment and awards ceremony following the race/walk.

He is requesting use of The Park on Saturday, June 23, 2007 from 9:00 A.M. to 1:00 P.M. for family and children's events associated with Andover Days.

He is also requesting permission to conduct sidewalk sales in front of downtown businesses on Main Street and other surrounding streets.

Arrangements for all of the requests have been reviewed and approved with conditions by the Police Department.

It was moved by Selectman Lyman that the Board approve the above request by Don Robb to conduct Andover Days as above. The motion was seconded by Selectman Stabile.

After discussion, the motion was voted and approved 3-0.

VI. Approval of Consent Agenda Items (Cont.)

C. Use of The Park

The Board considered granting permission to Rev. Lyndon A. Myers, on behalf of the Andover Baptist Church and their 175th Anniversary Committee, 7 Central Street, Andover, to use The Park on Saturday, September 8, 2007 (rain date will be Sunday, September 9, 2007) for an anniversary celebration. Arrangements have been reviewed and approved with conditions by the Police Department.

It was moved by Selectman Stabile that the Board grant permission for the above request by Rev. Lyndon A. Myers on behalf of the Baptist Church to use the park for an anniversary celebration on dates specified and with reasonable hours as set in the rules and regulations of the use of The Park. Selectman Lyman seconded the motion. After discussion, the motion was voted and approved 3-0.

D. Block Party

The Board considered granting permission to Elizabeth Poland, 22 Wolcott Avenue, Andover, to block off her street on Sunday, June 10, 2007 from 4:00 P.M. to 8:00 P.M. for a neighborhood block party. Arrangements have been reviewed and approved with conditions by the Police Department.

It was moved by Selectman Lyman that the Board grant permission to Elizabeth Poland for the above block party for Wolcott Avenue. The motion was seconded by Selectman Stabile voted and approved 3-0.

E. Secondhand Dealer License Renewal

It was moved by Selectman Stabile that the Board approve the following Secondhand Dealer license renewal to be effective from May 29, 2007 through April 30, 2008 presented by the Town Clerk:

Constantine Jewelers, 96 Main Street (formerly 166 North Main Street)

The renewal request has been reviewed and approved by the Police Department and Town Clerk subject to the condition that all requirements of the Town are met prior to the issuance of the license.

The motion was seconded by Selectman Lyman, voted and approved 3-0.

F. <u>Vehicle for Hire</u>

The Board considered approving the following Vehicle for Hire licenses to be effective from May 29, 2007 through April 30, 2008 presented by the Town Clerk:

- Ballardvale Car Services, 2 Stevens Street 3 vehicles
- J & J Shuttle Service, Inc., 89 North Main Street 5 vehicles

The license requests have been reviewed and approved by the Police Department and Town Clerk subject to the condition that no cars be stored at the business location and that all other requirements of the Town be met prior to the issuance of the license.

VI. Approval of Consent Agenda Items (Cont.)

F. Vehicle for Hire (Cont.)

Town Clerk Hanson reported that both of these are not licensed because they had not submitted the required paperwork before their licenses expired. She said that notice were sent out to them in February that their licenses were to expire on May 1, 2007. She said they have all the paperwork now but wanted to make sure this does not happen again.

Both petitioners were at the meeting. The owner of Ballardvale Car Services said she didn't know she had to do this; and the owner of J & J Shuttle said he and his partner were not sure if they were going to continue the service. When they decided to keep the company going, they did the paperwork and that was why they were late.

Selectman Lyman told both petitioners that it would be recorded in the minutes that there was a delay in the paperwork for the license.

It was moved by Selectman Stable that the Board approve the license requests for Ballardvale Car Services, 2 Stevens Street – 3 vehicles and J & J Shuttle Service, Inc., 89 North Main Street – 5 vehicles subject to conditions listed in the licenses. The motion was seconded by Selectman Lyman voted and approved 3-0.

G. <u>Common Victualler Licenses</u>

1. Sharon Breighner, d/b/a Cupcake Boutique, 10 Post Office Avenue, Andover

It was moved by Selectman Lyman that the Board approve the request of Sharon Breighner, d/b/a Cupcake Boutique, 10 Post Office Avenue, Andover, for a Common Victualler license for use at 10 Post Office Avenue, Andover.

The license request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

The motion was seconded by Selectman Stabile, voted and approved 3-0.

2. Paul Rubin, Chairman, Pepper Dining, Inc., One Richmond Square, Suite 350W, Providence, RI

It was moved by Selectman Lyman that the Board approve the request of Paul Rubin, Chairman, Pepper Dining, Inc., One Richmond Square, Suite 350W, Providence, RI, for a Common Victualler license for use at Chili's Grill & Bar, 131 River Road, Andover.

The license request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

The motion was seconded by Selectman Stabile, voted and approved 3-0.

VI. Approval of Consent Agenda Items (Cont.)

H. Utility Easement

The Board considered accepting and signing a utility easement for property at 55 Rocky Hill Road associated with the Charles Circle Subdivision.

After a discussion, it was moved by Selectman Lyman, and seconded by Selectman Stabile that the Board accept and sign the utility easement for property at 55 Rocky Hill Road associated with the Charles Circle Subdivision. The motion was voted and approved 3-0.

I. One Day Beer and Wine License

It was moved by Selectman Stabile that the Board approve the request of Sharon Breighner, the Cupcake Boutique, 10 post office avenue, Andover for a one-day beer and wine license for use on Thursday, May 31, 2007 from 6:00 p.m. to 9:00 p.m. at her place of business for an Open House.

The motion was seconded by Selectman Lyman, voted and approved 3-0.

VII. <u>Approval of Minutes from Previous Meetings</u>

It was moved by Selectman Lyman that the Board approve the minutes of the May 14, 2007 – Regular Meeting. The motion was seconded by Selectman Stabile, voted and approved 3-0.

VIII. Sewer Commissioners

It was moved by Selectman Lyman that the Board adjourn to Sewer Commissioners. The motion was seconded by Selectman Stabile voted and approved 3-0 by roll call vote, Selectman Lyman, Stabile and Chairman Teichert in favor.

It was moved by Selectman Lyman that the Board approve the following requests for connection to the new sanitary sewer system:

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3 Charlotte Drive - TM 140, TL 2N
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4 Cottage Road – TM 83, TL 37

231 Highland Road – TM 5, TL 56

1 Nutmeg Lane – TM 78, TL 44

6 Old County Road - TM 102, TL 11

14 Pinecrest Road - TM 62, TL 21

325 South Main Street – TM 80, TL 21A

46 Sunset Rock Road - TM 79, TL 15

4 Tilton Lane – TM 98, TL 4A

35 Wildwood Road - TM 61, TL 23

The motion was seconded by Selectman Lyman voted and approved 3-0 by roll call vote, Selectman Lyman, Stabile and Chairman Teichert in favor.

VIII. Sewer Commissioners (Cont.)

It was moved by Selectman Lyman that the Board approve the following requests for connection to the existing sanitary sewer system:

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1 Caileigh Court – TM 89, TL 23
3 Caileigh Court – TM 89, TL 23
5 Caileigh Court – TM 89, TL 23
7 Caileigh Court – TM 89, TL 23
9 Caileigh Court – TM 89, TL 23
60 Canterbury Street – TM 87, TL 4
4 Charles Circle – TM 63, TL 16B
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The motion was seconded by Selectman Stabile voted and approved 3-0 by roll call vote, Selectman Lyman, Stabile and Chairman Teichert in favor.

It was moved by Selectman Lyman that the Board adjourn as Sewer Commissioners and return to Regular Meeting. The motion was seconded by Selectman Stabile voted and approved 3-0 by roll call vote, Selectman Lyman, Stabile and Chairman Teichert in favor.

IX. Adjournment -8:45 p.m.

With no further business for the Board, it was moved by Selectman Lyman that the Board close the Regular Meeting of the Board at 8:45 p.m. The motion was seconded by Selectman Stabile, voted and approved 3-0.

Elizabeth A. Kochakian Recording Secretary